

Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: multiple distinct products and processes of manufacture are claimed. The Examiner points out that a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. Applicants, respectfully, disagrees with the conclusion reached.

Applicants would urge that the present claims of all three groups do in fact relating to form a single general inventive concept. Specifically, the claims are related to the expression and isolation of a polypeptide B(1-29)-A(1-21) using the specifically claimed DNA construct and the conversion of this polypeptide to insulin. Thus the claims are related as a product, process of making and method of using the product in accordance with MPEP section 806.05(i).

Applicant urges that the search of these three groups of claims as a single invention is appropriate since they are so closely related as to constitute a single concept and endeavor since the claimed DNA construct (claims 1-11) are used to express (claims 23-28) a polypeptide (claims 12-22) which is then isolated and purified (claims 29-36). It reasonably appears that there would not be an undue burden on the Examiner to consider all of the claims in the instant application as a single invention. In fact, consideration of all aspects of the DNA construct and the use in an expression process, would of necessity require consideration of that which is expressed, i.e. the polypeptide. Applicant would note that the Examiner, in setting out the basis of the restriction requirement has failed to present evidence of this burden before a restriction requirement is made. (MPEP § 808-808.02).

Thus, applicant would urge the Examiner to reconsider the requirement for restriction and examine all claims currently pending in the application.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

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